## Executive Summary – Enforcement Matter – Case No. 45302 RIVER CITY READY MIX, INC. RN105833735 Docket No. 2012-2174-MLM-E

**Order Type:** 

1660 Agreed Order

**Findings Order Justification:** 

N/A

**Media:** 

MLM - MSW, WQ

**Small Business:** 

Yes

Location(s) Where Violation(s) Occurred:

C & K Land Moving, New city block No. 17639, Lot P-213, Property ID No. 664742, San

Antonio, Bexar County **Type of Operation:** 

Concrete manufacturing business

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 24, 2013

Comments Received: No

**Penalty Information** 

**Total Penalty Assessed:** \$20,000

Amount Deferred for Expedited Settlement: \$4,000 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$600 Total Due to General Revenue: \$15,400 Payment Plan: 35 payments of \$440 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

**Statutory Limit Adjustment:** N/A

Applicable Penalty Policy: September 2011

## Executive Summary – Enforcement Matter – Case No. 45302 RIVER CITY READY MIX, INC. RN105833735 Docket No. 2012-2174-MLM-E

## **Investigation Information**

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: May 25, 2012 Date(s) of NOE(s): October 9, 2012

### Violation Information

- 1. Failed to obtain a development permit prior to altering or disturbing a closed municipal solid waste ("MSW") landfill [30 Tex. ADMIN. CODE § 330.954(a) and (e)].
- 2. Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill [30 Tex. ADMIN. CODE § 330.463(a)(1)].
- 3. Failed to obtain authorization to discharge storm water associated with industrial activities under the Texas Pollution Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000. Specifically, Respondent was operating a concrete manufacturing business without a TPDES permit [30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26(c)].
- 4. Failed to prevent the unauthorized disposal of MSW. Specifically, approximately 100 cubic yards of MSW including, but not limited to, wood boards, tires, metal cans, plastic containers, tiles, rebar, and demolition debris were disposed of at the Facility [30 Tex. ADMIN. CODE § 330.15(c)].
- 5. Failed to prevent unauthorized discharges into or adjacent to any water in the state. Specifically, Respondent was discharging concrete wash onto the ground at the Facility [Tex. Water Code § 26.121(a)(2)].

# Corrective Actions/Technical Requirements

# **Corrective Action(s) Completed:**

N/A

# **Technical Requirements:**

The Order will require Respondent to:

- a. Immediately:
- i. Cease disposing of any additional MSW at the Facility;
- ii. Cease discharging concrete wash onto the ground above the closed MSW landfill; and

## Executive Summary – Enforcement Matter – Case No. 45302 RIVER CITY READY MIX, INC. RN105833735 Docket No. 2012-2174-MLM-E

- iii. Cease interrupting, disturbing, or altering the final cover at the closed MSW landfill until proper authorization has been obtained from the Commission.
- b. Within 30 days:
- i. Remove all MSW from the Facility and dispose of it at an authorized facility;
- ii. Remove all ponded water on the area over the closed MSW landfill and fill in the area in which the ponding occurred, correct effects of erosion, and begin maintaining vegetative growth;
- iii. Submit an administratively complete registration application for existing structures built over closed MSW landfills; and
- iv. Develop and begin implementing a storm water pollution prevention plan and submit a Notice of Intent to comply with the requirements of TPDES MSGP No. TXR050000.
- c. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions a. and b.

# Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

### **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Andrea Park, Enforcement Division,

Enforcement Team 6, MC R-12, (713) 422-8970; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

**Respondent:** Arturo Lopez, President, RIVER CITY READY MIX, INC., P.O. Box

681085, San Antonio, Texas 78268-1085

Respondent's Attorney: N/A

### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 8-Oct-2012 **PCW** 24-Oct-2012 Screening 24-Oct-2012 RESPONDENT/FACILITY INFORMATION Respondent RIVER CITY READY MIX, INC. Reg. Ent. Ref. No. RN105833735 Facility/Site Region 13-San Antonio Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 45302 No. of Violations 5 Docket No. 2012-2174-MLM-E Order Type 1660 Media Program(s) Municipal Solid Waste Government/Non-Profit No Multi-Media Water Quality Enf. Coordinator Andrea Park EC's Team Enforcement Team 6 Admin. Penalty \$ Limit Minimum **Maximum** \$25,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** \$20,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 \$0 0.0% Enhancement No adjustment for compliance history. Notes Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement\* Subtotal 6 \$0 Total EB Amounts \*Capped at the Total EB \$ Amount \$641 Approx. Cost of Compliance \$11,664 **SUM OF SUBTOTALS 1-7** \$20,000 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$20,000

Final Assessed Penalty

Adjustment

Reduction

20.0%

\$20,000

-\$4,000

\$16,000

STATUTORY LIMIT ADJUSTMENT

Notes

**PAYABLE PENALTY** 

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

**DEFERRAL** 

PCW

Policy Revision 3 (September 2011)
PCW Revision August 3, 2011

**Respondent** RIVER CITY READY MIX, INC.

**Case ID No.** 45302

Reg. Ent. Reference No. RN105833735

Media [Statute] Municipal Solid Waste

Enf. Coordinator Andrea Park

# **Compliance History Worksheet**

Compliance His Componen	story <i>Site</i> Enhancement (Subtotal 2) t Number of	Enter Number Here	Adjust.	
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
	Other written NOVs	0	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgment and Consei		0	0%	
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
Conviction	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	-
		ease Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment Per	centage (Sub	total 2)	C
Repeat Violato				. W
	Adjustment Per	centage (Sub	total 3)	0
Compliance His	story Person Classification (Subtotal 7)			
Satisfacto	ry Performer Adjustment Per	centage (Sub	total 7) [	0
Compliance His	story Summary (1997) No. 1997 (1997)			
Compliand History Notes	No adjustment for compliance history.			
nal Compliance	Total Compliance History Adjustment Percentage (See History Adjustment	Subtotals 2, :	3, & 7) [	0'
mer combinance	Final Adjustment Percenta			1,545

Sc	reening Date			Docket	<b>No.</b> 2012-2174-MLM-E		PCW
	Respondent		ADY MIX, INC.			Policy Revision	on 3 (September 2011)
	Case ID No.					PCW R	evision August 3, 201.
	Reference No.						
	dia [Statute]		Waste				
	. Coordinator		í				
V	iolation Number						
	Rule Cite(s)		30 Tex. Adr	nin. Code § 330	0.954(a) and (e)		
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					Bas	e Penalty[	\$25,000
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			Harm		ATTERNACIONALIPO DA ANTARA ANTONIA DE LA SECULIA DE LA		
	Release	r	Moderate	Minor			
OR	Actual	<u></u>			<b>5</b>		
	Potential	<u></u>			Percent 0.0%		
>>Programn	natic Matrix			The street said	HEINHER ZER.		
705) (4.5 <u>4)</u>	Falsification	Major	Moderate	Minor			
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Matri	x						
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		monthly	×				
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		annual					
		single event					
	<u> </u>					1	
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		Notes	The Respondent	does not meet this violati	the good faith criteria for on.		
					Violation	Subtotal	\$6,250
Economic Be	nefit (EB) for	this violatio	n 1991 yangan		Statutory Limit	Test	
	Estimate	ed EB Amount		\$249	Violation Final Pena	ity Totai	\$6,250
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	E	conomic	Benefit	Wo	rksheet		
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Case ID No.							
Reg. Ent. Reference No.							
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	# ####################################					Jeur Marshartistan	
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Delayed Costs	<u>aldenimi Liadnišu si</u>		BNOD - FIRE	8	armaeestinaassa, artiiliseen	яктр содах этэндрыйнарыдых	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land Record Keeping System	<del></del>			0.00	\$0 \$0	n/a n/a	\$0 \$0
Record Reeping System Training/Sampling				0.00	\$0 \$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Permit Costs	<del></del>			0.00	\$0 \$0	DESCRIPTION TO THE PERSON NAMED IN COLUMN	\$0
Other (as needed)	\$5,000	25-May-2012	24-May-2013		\$249	And I was not a second	\$249
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Disposal				0.00	<b>\$</b> 0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0	\$0
Other (as needed)	[			0.00	\$0 \$0	\$0	\$0 \$0
Other (as needed)				0.00	30	30	30
Notes for AVOIDED costs							-
Approx. Cost of Compliance		\$5,000			TOTAL		\$249

Respondent RIVER CITY READY MIX, INC.  Reg. Ent. Reference No. RNIOS83373  Red. Statute) Municipal Solid Waste Enf. Coordinator Andrea Park Violation Number  Violation Description  Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Violation Description  Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Percent  Release Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Release Major Moderate Major Moderate Minor Percent Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Relea	Reg. Ent. Reference No. 8105833735  Media [Statute] Municipal Solid Waste Enf. Coordinator Andres Park Violation Number Rule Cite(s)  Number of Violation Person Major Moderate Minor Percent Offse Park Notes  Number of Violation Events  Number of Violatio		ening Date		<b>Docket No.</b> 2012-2174-MLM-E	PCW
Reg. Ent. Reference No. RNIDS8393735 Media [Statute] Municipal Solid Waste Enf. Coordinator Andrea Park Violation Number Rule Cite(s)  Violation Description Falled to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfil.  Sase Penalty  \$25,000  **Percent Solve**  **Programmatic Matrix Falsification Major Moderate Minor Percent Solve**  **Programmatic Matrix Falsification Major Minor Minor Minor Minor Minor Minor Minor Minor Minor Mino	Reg. Ent. Reference No. RNIOS833735 Media [Statute] Municipal Solid Waste Enf. Coordinator Andrea Park Violation Number Rule Cite(s)  30 Tex. Admin. Code § 330.463(a)(1)  Violation Description Failed to correct a lack of vegetative growth, pending of water, and erosion of cover material at the closed landfill.  Part Release Major Moderate Minor Percent 5.0%  Percent 5.0%  Percent 5.0%  Percent 5.0%  Percent 5.0%  Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Matrix Notes  Number of Violation Events  Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2015 october 24, 2015 october 25, 2016 from the Violation Subtotal  Percent 5.0%  152 Number of Violation Base Penalty  152 Sovering 152 Number of Violation Base Penalty  152 Sovering 153 Number of Violation Subtotal 52,500  153 October Scattered Over 154 October 24, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 october 25, 2015 investigation to the October 24, 2015 investigation to the October				PY MIX, INC.	
Media [Statute] Municipal Solid Waste Enf. Coordinator Andrea Park Violation Number   2	Media [Statute] Municipal Solid Waste					PCW Revision August 3, 2011
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Violation Number   Rule Cite(s)   30 Tex. Admin. Code § 330.463(a)(1)	Violation Description   Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.				aste	
Violation Description   Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landful.   Sase Penalty   \$25,000	Violation Description   Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.					
Violation Description  Falled to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.  Base Penalty  \$25,000  **Programmatic**  Release Major Moderate Minor Percent 5.0%  **Programmatic**  Falsification Major Moderate Minor Percent 0.0%  **Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  **Adjustment**  \$23,750  **Inverse only one weekly monthly weekly monthly semiantual single event  Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2012 Screening date.  Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2012 Screening date.  Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2012 Screening date.  Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2012 Screening date.  **Scood Faith Efforts to Comply**  **The Respondent does not meet the good faith criteria for this violation.  **Violation Subtotal**  **Yolation Subtotal**  **Statutory Limit Test**  **Estimated EB Amount**  **209  **Violation Final Penalty Total**  **25,500	Violation Description   Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill.    Second Faith Efforts to Comply   Second Faith Effo	*101				
### Percent   \$25,000  **See Penalty   \$25,000  **Percent   \$5.0%   Percent   \$5.0%    **Percent   \$5.0%   Percent   \$5.0%    **Programmatic Matrix   Percent   \$5.0%    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Adjustment   \$523,750    **Percent   \$5.0%    **Adjustment   \$523,750    **Adjustment	### Matrix   Section   Sec				30 Tex. Admin. Code § 330.463(a)(1)	
### Percent   \$25,000  **See Penalty   \$25,000  **Percent   \$5.0%   Percent   \$5.0%    **Percent   \$5.0%   Percent   \$5.0%    **Programmatic Matrix   Percent   \$5.0%    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Percent   \$5.0%   Percent   \$5.0%    **Adjustment   \$523,750    **Adjustment   \$523,750    **Percent   \$5.0%    **Adjustment   \$523,750    **Adjustment	### Matrix   Section   Sec					
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Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$23,750   \$1,250	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$23,750   \$1,250   \$1,		Falsification	Major		٦
which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$23,750   \$1,250		<u> </u>	<u> </u>	Percent 0.0%	미
which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$23,750   \$1,250		T			]
Adjustment   \$23,750	Adjustment   \$23,750	Matrix				
Size	Statutory Limit Test	Notes	wnich would h	iot exceed levels i	·	eptors as a
\$1,250   Violation Events	\$1,250   Statutory Limit Test   \$2,500   \$1,25		L		result of the violation.	
\$1,250   Violation Events	\$1,250   Statutory Limit Test   \$2,500   \$1,25	ADMIN'S HARRIST AND A	POST CONTRACTOR	Communication of		¢23.750]
Number of Violation Events 2 152 Number of violation days    daily	Number of Violation Events 2	1991. SAMELINGE STOPP (PANALANA) - 374			型的	\$23,730
Number of Violation Events 2 152 Number of violation days    daily	Number of Violation Events 2					\$1,250
Number of Violation Events 2 152 Number of violation days    daily	Number of Violation Events 2	DFC00.09908882** 2 RUSHD*S&RLFLSSSWLZ 455	Augula maur is ara adamhydaidh (1965) 200 (19	78 7 8 18 18 18 18 18 18 18 18 18 18 18 18 1		
daily   weekly   monthly   quarterly   x   semiannual   single event	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sicod Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A  X (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	Violation Even	ts — when he	WWW.		esi usuni (
daily   weekly   monthly   quarterly   x   semiannual   single event	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sicod Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A  X (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500		Number of 1	Violation Evente	2 Number of violeties	a dava
weekly monthly   x   your part	weekly monthly quarterly x semiannual annual single event   Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500 conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500		number of	violation Events	2 Number of Violation	n days
weekly monthly   x   your part	weekly monthly and with an x violation Base Penalty with special with an x violation base Penalty with x violation base			l daily [		
Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Good Faith Efforts to Comply    D.0%   Reduction   \$0.0	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500					
Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply  Defore Nov Nov to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Stood Faith Efforts to Comply  D.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$2,500			Section 1 to 1 to 1		
Semiannual annual single event  Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply 0.0% Reduction sefere NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500 seconomic Benefit (EB) for this violation \$2,500 to the penalty Total	Semiannual annual single event  Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Stood Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  X (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500				X Violation Ba	se Penaity \$2,500
Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply  Before NOV  NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  X  (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$2,500  Statutory Limit Test  Estimated EB Amount  \$2,500	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply  Before NOV  NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  X  (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$2,500  conomic Benefit (EB) for this violation  Estimated EB Amount  \$209  Violation Final Penalty Total  \$2,500		with an x	******************** <b>***</b>		T.
Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x   (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Sconomic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Six of Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x ((mark with x)) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500			annual		
Two quarterly events are recommended from the May 25, 2012 Investigation to the October 24, 2012 screening date.  Sood Faith Efforts to Comply  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x   (mark with x) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Sconomic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	Two quarterly events are recommended from the May 25, 2012 investigation to the October 24, 2012 screening date.  Six of Faith Efforts to Comply  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x ((mark with x)) Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500			single event		
Good Faith Efforts to Comply  0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	2012 screening date.    Comply					
Good Faith Efforts to Comply  0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	2012 screening date.    Comply		Two quarter	ly events are reco	mmended from the May 25, 2012 investigation to the Oc	toher 24
Good Faith Efforts to Comply    Defore NOV   NOV to EDPRP/Settlement Offer	Sood Faith Efforts to Comply    Before NOV   NOV to EDPRP/Settlement Offer		I wo quarter	iy events are rece	· · · · <del>-</del>	
Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Extraordinary Ordinary N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation \$209 Violation Final Penalty Total \$2,500		l			
Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	^				
Extraordinary Ordinary N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Good Faith Eir	orts to Com	DIY		50
Ordinary  N/A  X  (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$2,500  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$209  Violation Final Penalty Total  \$2,500	Ordinary  N/A  X  (mark with x)  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal  \$2,500  Conomic Benefit (EB) for this violation  Estimated EB Amount  \$209  Violation Final Penalty Total  \$2,500			Extraordinary [	Before NOV NOV to EDPRP/Sectionnent Offer	
N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	N/A X (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500			· <u>  L</u>		
Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this Violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500			1,7	(controlled to the controlled	
this violation.  Violation Subtotal \$2,500  Economic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	this violation.  Violation Subtotal \$2,500  conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500			N/AI_	X   (mark with x)	7
Violation Subtotal \$2,500  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Conomic Benefit (EB) for this violation  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500			Notos	he Respondent does not meet the good faith criteria for	
Economic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500			Notes	this violation.	
Economic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500					IJ
Economic Benefit (EB) for this violation  Estimated EB Amount \$209  Violation Final Penalty Total \$2,500	conomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$209 Violation Final Penalty Total \$2,500				Violatio	n Subtotal \$2.500
Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	Estimated EB Amount \$209 Violation Final Penalty Total \$2,500	MARAMA ANNA ANNA ANNA ANNA ANNA ANNA ANN		NAME OF STREET		·
		Economic Bene	efit (EB) for	this violation	Statutory Limi	t Test
			- • در سو		4222	
	This violation Final Assessed Penalty (adjusted for limits) \$2,500		Estimate	ea EB Amount	\$209  Violation Final Per	naity Totai \$2,500
This violation Final Assessed Penalty (adjusted for limits) 42 500	\$2,000				This violation Final Assessed Penalty (adjusted	for limits) \$2.500
\$2,500		MIN 1997 - NAMES OF A 2719-8471F-19			The state of the s	\$2,300

Respondent	البينان والرازو	conomic	Benefit	Wor	'ksheet		
	RIVER CITY R	EADY MIX, INC.			en e cake a company to the		
Case ID No.		,					
g. Ent. Reference No.		;					
	Municipal Solid					Promote Programme	Years of
Violation No.		u Waste				Percent Interest	Depreciatio
VIOLATION NO.	<b>; ∠</b> 				Waring attends		The other Boat Hillion Co.
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs			aalokki tii si				
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3.000	25-May-2012	24-May-2013	1.00	\$10	\$199	\$209
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	иминен п/антини	\$0
	H	1 1		0.00	\$0	n/a	\$0
Record Keeping System							
Training/Sampling				0.00	\$0	-mares n/a-ni-mona	\$0
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs		the investigation	date, and the f	0.00 0.00 0.00 d ensure	\$0 \$0 \$0 e that ponding do	n/a n/a n/a oes not occur. The o	\$0 \$0 \$0 date required
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)		the investigation	date, and the f	0.00 0.00 0.00 d ensure nal date	\$0 \$0 \$0 e that ponding do is the estimated g item (except	n/a n/a n/a oes not occur. The of date of compliance for one-time avoid	\$0 \$0 \$0 date required
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs  Avoided Costs		the investigation	date, and the f	0.00 0.00 0.00 d ensure nal date	\$0 \$0 \$0 e that ponding do e is the estimated g item (except	n/a n/a n/a oes not occur. The of date of compliance  for one-time avoid	\$0 \$0 \$0 date required
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel		the investigation	date, and the f	d ensurent date	\$0 \$0 \$0 e that ponding do e is the estimated g item (except \$0 \$0	n/a n/a n/a n/a oes not occur. The of date of compliance  for one-time avoid \$0 \$0	\$0 \$0 \$0 date required
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel		the investigation	date, and the f	0.00 0.00 0.00 d ensure nal date	\$0 \$0 \$0 e that ponding do e is the estimated gitem (except \$0 \$0 \$0	n/a n/a n/a n/a  oes not occur. The of date of compliance  for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 date required ded costs) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel pection/Reporting/Sampling		the investigation	date, and the f	d ensurent date	\$0 \$0 \$0 e that ponding do e is the estimated gitem (except \$0 \$0 \$0	n/a n/a n/a n/a n/a  oes not occur. The of date of compliance  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 date required !ed costs) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel pection/Reporting/Sampling Supplies/equipment		the investigation	date, and the f	0.00 0.00 0.00 d ensured that the state of the state o	\$0 \$0 \$0 e that ponding do e is the estimated gitem (except \$0 \$0 \$0	n/a n/a n/a n/a  oes not occur. The of date of compliance  for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 date required ded costs) \$0 \$0

	ening Date		<b>Docket No.</b> 2012-2174-MLM-E	PCW
		RIVER CITY READY MIX, INC.		Policy Revision 3 (September 2011)
	Case ID No.			PCW Revision August 3, 2011
Reg. Ent. Re				
		Municipal Solid Waste		
	Coordinator			
Viol	ation Number	I		
	Rule Cite(s)	30 Tex. Admin. Code § 28:	1.25(a)(4) and 40 Code of Federal Regulation	ons §
			122.26(c)	
Violatio	n Description	activities under the Texas Pollu Sector General Permit ("MSGP	to discharge storm water associated with in ution Discharge Elimination System ("TPDES ') No. TXR050000. Specifically, the Respon nufacturing business without a TPDES perm	") Multi- dent was
			Base	Penalty \$25,000
>> Environme	ntal, Proper	ty and Human Health Ma	with the state of	
	Release	<b>Harm</b> Major Moderate	Minor	
OR	Actual	r	11110	
	Potential		Percent 0.0%	
		<u> </u>		
>>Programma	tic Matrix			
	Falsification	Major Moderate	Minor	
		X	Percent 5.0%	
Matrix		100% of the rule r	equirement was not met.	
Notes				
			Adjustment	\$23,750
				\$1,250
				XXXXXXXXXX
Violation Even	:S			Per sensi dia
	Number of 1	Violation Events	153 Number of violation of	la
	Number of	Violation Events 5	152 Number of violation of	lays
		daily		
		weekly		
		monthly x		
	mark only one	quarterly	Violation Base	Penalty \$6,250
	with an x	semlannual	1101211011 2432	ψο/230
		annual		
		single event		
				<u> </u>
	Five monthly		the May 25, 2012 investigation to the Octol	per 24,
		2012 SC	reening date.	
e Ramani sa A.J. Amada m. Mari m. na Monto de descripcio				
Good Faith Effo	orts to Com			\$0
			V to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
		N/A x (ma	erk with x)	
		The Respondent	does not meet the good faith criteria for	
		Notes The Respondent	this violation.	
			ans violation.	
			Violation 9	Subtotal \$6,250
		Plant 1 2 Strange Committee of the Commi		
Economic Bene	ing (ER) Lol	tnis violation	Statutory Limit	jest i i i i i i i i i i i i i i i i i i i
	Estimate	ed EB Amount	\$100 Violation Final Pena	ity Total \$6,250
	_5		Tage Folding File	30,230
		This violat	ion Final Assessed Penalty (adjusted fo	r limits) \$6,250
	STORE OF GENERAL BLANDS LIKE FOR STORENSELDE			are on appropriate

	E	conomic	Benefit	Wo	rksheet		
Respondent	RIVER CITY R	EADY MIX, INC.					
Case ID No.	45302						
Rea. Ent. Reference No.	RN105833735						
Media	Municipal Solid	l Waste				Liasabet 1980	Years of
Violation No.	,					Percent Interest	Depreciation
Violacion Ito.	3		ng pilong at Nij			5.ol	15
<ul> <li>And the Control of the</li></ul>	Item Cost	Date Required	Final Date	V	Interest Saved		EB Amount
		Date Keyulleu	rillai Date	112	Interest Saveu	Onetime Costs	LD Amount
Item Description	No commas or \$		Park of the				
		distriction entre entre de la constant de la consta	ipopilajaja se ppis sifinasi b	al state of		and the second of the second o	
Delayed Costs			i Batelitik i kalender (	10.00	I #0	L 40 I	#0
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		0.00	\$0	\$0 \$0	\$0 \$0
Engineering/construction	***************************************			0.00	\$0 \$0	\$0 \$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		<del></del>		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0 \$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	25-May-2012	24-May-2013		\$100	n/a	\$100
Other (as needed)	\$2,000	23 May 2012	24 May 2013	0.00	\$100	n/a	\$100 \$0
Notes for DELAYED costs			ES MSGP. The	date re		a storm water pollustigation date, and ti	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enteri	ng item (except	for one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$2,000			TOTAL		\$100

	eening Date		<b>Docket No.</b> 2012-2174-MLM-E	PEM
	-	RIVER CITY READY MIX, INC.		Policy Revision 3 (September 201
	Case ID No.			PCW Revision August 3, 20
Reg. Ent. Re				
		Municipal Solid Waste		
Enf. (	Coordinator	Andrea Park		
Viol	lation Number	4		
	Rule Cite(s)	30 T	ex. Admin. Code § 330.15(c)	
			CX. 74.11111 Code 3 330.13(c)	
Violatio	on Description	cubic yards of MSW including	rized disposal of MSW. Specifically, approxig, but not limited to, wood boards, tires, mand demolition debris were disposed of at	etal cans,
			Ва	se Penalty \$25,00
> Environme	ntal, Proper	ty and Human Health M	latrix	
7.5 9860.00		Harm		~
<b>6</b> 5	Release	Major Moderate	Minor	
OR	Actual		X	7
antidos.	Potential		Percent 5.0%	괴
>Programma	tic Matrix		5.070	
-riogramma	Falsification	Major Moderate	Minor	
	Taisincación		Percent 0.0%	ח
	L		Percent 0.0%	IJ
	11			
Matrix			has been exposed to insignificant amounts of	
Notes	pollutants		t are protective of human health or environ	imentai
and the second	<u> </u>	receptors as a	result of the violation.	
and the second second				
And Allered		。 (1)	Adjustment	\$23,750
				\$1,25
•				\$1,23
iolation Even	le more communication			
olution Elon		CONTROL OF THE CONTROL OF THE SECOND		
	Number of V	/iolation Events 2	152 Number of violation	n davs
				,-
		daily		
		weekly		
		monthly		
	mark only one with an x	quarterly x	Violation Bas	se Penalty \$2,50
	wich an x	semlannual		-
		annual		
		single event		
	•			
	T		H M 3E 2042 :	
	I wo quartern		m the May 25, 2012 investigation to the Oc	tober 24,
		2012 9	screening date.	
ood Faith Effe	orts to Comp	oly 0.0% R	eduction	
			OV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
			nark with x)	
		Notes The Responder	nt does not meet the good faith criteria for	
			this violation.	
		L		<u>J</u>
			Violation	Subtotal \$2,50
				72,50
onomic Bene	fit (EB) for	this violation	Statutory Limi	Test
		F1000		
	Estimate	d EB Amount	\$83 Violation Final Pen	alty Total \$2,50
	AUDURAUMANAS SALSON SA TANA	This violat	tion Final Assessed Penalty (adjusted 1	for limits) \$2,500
		<ul> <li>Company of the Company of the Company</li></ul>	THE REPORT OF THE PROPERTY OF	AND AND AND AND AND AND ADDRESS OF THE PARTY

	E	conomic	Benefit	Wo	rksheet		
Respondent	RIVER CITY RI	EADY MIX, INC.					
Case ID No.	45302						
eg. Ent. Reference No.	RN105833735	;					
Media	Municipal Solid	d Waste				Percent Interest	Years of
Violation No.	4					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	- 3.45.5338384	inga da aringada na adid			#1.000#################################		
Equipment	<u> </u>			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1.664	25-Mav-2012	24-May-2013	1.00	\$83	n/a	\$83
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	requir	red is the inveseti	gation date, and	d the fi	nal date is the esti	t an authorized facil mated date of comp for one-time avoid	liance.
Disposal	AITITORE		COSCS DOTOTE (	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0 \$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment		1		0.00	\$0	\$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
J	ř .						

	ening Date		Docket	<b>No.</b> 2012-2174-MLM-E	PCW
		RIVER CITY READY MIX, INC.			vision 3 (September 2011)
	Case ID No.			PC	W Revision August 3, 2011
Reg. Ent. Re					
	coordinator	Municipal Solid Waste			
	ation Number				
• • • • • • • • • • • • • • • • • • • •	Rule Cite(s)				
		Tex.	Water Code § 26.	.121(a)(2)	
Violatio	on Description			r adjacent to any water in the stat ncrete wash onto the ground at th	
				Base Penal	t <b>y</b> \$25,000
>> Environme	ntal Prope	ty and Human Health M	Intelly	The State of the Land of the L	
Flialionnie	iitai, Fiopei	Harm	iou ixiin in		
	Release		Minor		
OR	Actual		X		
	Potential			Percent 5.0%	
S S BULL LUCY COLL			5. K		
>>Programma	Falsification	Major Moderate	Minor		
	Taismeation	Trajor Prodestate	1	Percent 0.0%	
	L	<u> </u>			
Matrix Notes	Hum pollutants		nas been exposed that are protective of the result of the viola	human health or environmental	
nua a kirin	<u></u>		Tebule of the viola		
CP (AGNICAL AND)				Adjustment \$23,75	50
	and annual reasons of the control of	Seed 1000-0000 1007 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		The state of the s	
vocation in the control of the contr					\$1,250
Violation Even	te -				
VIOIACION EVEN	<b>43</b>		MUSE SCHOOL BUILDING		5.特別
	Number of '	Violation Events 2	15	2 Number of violation days	
			L.	-	
		dally.			
		weekly			
	mark only one	monthly			
	with an x	quarterly x		Violation Base Penal	<b>ty</b> \$2,500
		annual			
		single event			
***	Two quarter	ly avants are recommended from	m the May 25, 20:	12 investigation to the October 24,	
	I WO quarter		screening date.	12 investigation to the October 24,	
	L				
Good Faith Eff	orts to Com	ply 0.0% R			\$0
Good Faich Eil	ores to com		eduction OV to EDPRP/Settleme	ent Offer	30
		Extraordinary			
		Ordinary			
		_ `   <del> </del>	nark with x)		
		The Bearender			
		Notes The Responder	nt does not meet t this violatio	the good faith criteria for lon.	
		<u> </u>			
				Violation Subtot	\$2,500
				Violation Subtota	\$2,300
Economic Bend	efit (EB) for	this violation	The section	Statutory Limit Test	
	<b></b>	- 1 - 5 - 4	457		
	Estimat	ed EB Amount	\$0	Violation Final Penalty Tota	\$2,500
		This viola	tion Final Asses	sed Penalty (adjusted for limits	\$2,500

Media Violation No.	Municipal Solid	d Waste				Percent Interest	Years of Depreciation
Violation No.	<b>.</b>	- 1.神臓 ごせばる	Kirasana Y		sigo struggi	5.0	Depreciation 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs					Hab 1944		9932Ki. 1588
Equipment		T T		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
D 14 - O 4					40		\$0
Permit Costs		<u> </u>	L	0.00	\$0	n/a	<u>\$U</u>
Other (as needed)	The cost to in	nplement procedu	res to prevent	0.00	\$0	n/a n/a ded with the cost to	\$0
Other (as needed)  Notes for DELAYED costs		SV	VP3 in the Econ	0.00 future d omic Be	\$0 ischarges is include nefit for Violation	n/a ded with the cost to No. 3.	\$0 implement the
Other (as needed)		SV	VP3 in the Econ	0.00 future domic Be	\$0 ischarges is includenefit for Violation g item (except)	n/a ded with the cost to No. 3. for one-time avoic	\$0 implement the
Other (as needed)  Notes for DELAYED costs  Avoided Costs		SV	VP3 in the Econ	future domic Beenterin	\$0 ischarges is includenefit for Violation  g item (except \$0	ided with the cost to No. 3.	\$0 implement the
Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS  Disposal Personnel		SV	VP3 in the Econ	0.00 future domic Be	\$0 ischarges is includenefit for Violation g item (except)	n/a ded with the cost to No. 3. for one-time avoic	\$0 implement the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal Personnel		SV	VP3 in the Econ	future domic Berenterin	\$0 ischarges is includenefit for Violation  g item (except \$0 \$0	ided with the cost to No. 3.  for one-time avoid \$0 \$0	implement the
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  pection/Reporting/Sampling		SV	VP3 in the Econ	future domic Benterin	\$0 ischarges is includentit for Violation  g item (except   \$0 \$0 \$0	ded with the cost to No. 3.  for one-time avoid \$0 \$0 \$0 \$0	\$0 implement the led costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment		SV	VP3 in the Econ	0.00 future d omic Be enterin 0.00 0.00 0.00 0.00 0.00	\$0 ischarges is includent for Violation  gitem (except \$0 \$0 \$0 \$0 \$0	ded with the cost to No. 3.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 implement the led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  spection/Reporting/Sampling Supplies/equipment		SV	VP3 in the Econ	0.00 future d omic Be enterin 0.00 0.00 0.00 0.00 0.00	\$0 ischarges is includent for Violation  gitem (except \$0 \$0 \$0 \$0 \$0	ded with the cost to No. 3.  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 implement <b>!ed costs</b> \$0 \$0 \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

PENDING Compliance History Report for CN600522098, RN105833735, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Owner/Operator:	CN600522098, River City Ready Mix,	Inc. Classification: SATISFACTOR	RY <b>Rating:</b> 41.67		
Regulated Entity:	RN105833735, C & K LAND MOVING PROPERTY ID 664742	BCAD Classification: NOT APPLICA	BLE Rating: N/A		
complexity Points:	N/A	Repeat Violator: N/A			
H Group:	14 - Other				
ocation:	New city block No. 17639, Lot P-213, Property ID No. 664742, SAN ANTONIO, TX, BEXAR COUNTY				
CEQ Region:	REGION 13 - SAN ANTONIO				
JNA455130230	NON PERMITTED ID NUMBER  d: September 01, 2007 to August 3	1 2012 <b>Pating V</b> onus 2012	<b>Dating Date:</b> 00/01/201		
Compliance History Perio			Rating Date: 09/01/201		
ate Compliance History	Report Prepared: October 17	, 2012			
gency Decision Requiri	ng Compliance History: Enfo	rcement			
gency Decision Requirion					
omponent Period Selec	October 17, 2007 to October		ory.		

YES 1) Has the site been in existence and/or operation for the full five year compliance period?

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

3) If YES for #2, who is the current owner/operator? N/A

4) If YES for #2, who was/were the prior N/A

owner(s)/operator(s)?

5) If YES, when did the change(s) in owner or operator N/A occur?

# Components (Multimedia) for the Site Are Listed in Sections A - J

Final Orders, court judgments, and consent decrees:

N/A

**B.** Criminal convictions:

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

F. Environmental audits:

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	DEFUKE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
RIVER CITY READY MIX, INC.	§	
RN105833735	<b>§</b>	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2012-2174-MLM-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding RIVER CITY READY MIX, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent operates a concrete manufacturing business at new city block no. 17639, lot P-213, property ID no. 664742, in San Antonio, Bexar County, Texas (the "Facility").
- 2. The Facility involves or involved the management of municipal solid waste ("MSW") as defined in Tex. Health & Safety Code ch. 361. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in Tex. Water Code § 26.001(5).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 14, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty Thousand Dollars (\$20,000) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Six Hundred Dollars (\$600) of the administrative penalty and Four Thousand Dollars (\$4,000) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Fifteen Thousand Four Hundred Dollars (\$15,400) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Forty Dollars (\$440) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As operator of the Facility, the Respondent is alleged to have:

1. Failed to obtain a development permit prior to altering or disturbing a closed MSW landfill, in violation of 30 Tex. ADMIN. CODE § 330.954(a) and (e), as documented during an investigation conducted on May 25, 2012.

- 2. Failed to correct a lack of vegetative growth, ponding of water, and erosion of cover material at the closed landfill, in violation of 30 Tex. ADMIN. CODE § 330.463(a)(1), as documented during an investigation conducted on May 25, 2012.
- 3. Failed to obtain authorization to discharge storm water associated with industrial activities under the Texas Pollution Discharge Elimination System ("TPDES") Multi-Sector General Permit ("MSGP") No. TXR050000, in violation of 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations ("CFR") § 122.26(c), as documented during an investigation conducted on May 25, 2012. Specifically, the Respondent was operating a concrete manufacturing business without a TPDES permit.
- 4. Failed to prevent the unauthorized disposal of MSW, in violation of 30 Tex. Admin. Code § 330.15(c), as documented during an investigation conducted on May 25, 2012. Specifically, approximately 100 cubic yards of MSW including, but not limited to, wood boards, tires, metal cans, plastic containers, tiles, rebar, and demolition debris were disposed of at the Facility.
- 5. Failed to prevent unauthorized discharges into or adjacent to any water in the state, in violation of Tex. Water Code § 26.121(a)(2), as documented during an investigation conducted on May 25, 2012. Specifically, the Respondent was discharging concrete wash onto the ground at the Facility.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: RIVER CITY READY MIX, INC., Docket No. 2012-2174-MLM-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order:

- i. Cease disposing of any additional MSW at the Facility;
- ii. Cease discharging concrete wash onto the ground above the closed MSW landfill; and
- iii. Cease interrupting, disturbing, or altering the final cover at the closed MSW landfill until proper authorization has been obtained from the Commission.
- b. Within 30 days after the effective date of this Agreed Order:
  - i. Remove all MSW from the Facility and dispose of it at an authorized facility;
  - ii. Remove all ponded water on the area over the closed MSW landfill and fill in the area in which the ponding occurred, correct effects of erosion, and begin maintaining vegetative growth, in accordance with 30 Tex. ADMIN. CODE § 330.961(d);
  - iii. Submit an administratively complete registration application for existing structures built over closed MSW landfills, in accordance with 30 TEX. ADMIN. CODE § 330.959; and
  - iv. Develop and begin implementing a storm water pollution prevention plan and submit a Notice of Intent to comply with the requirements of TPDES MSGP No. TXR050000 to:

Storm Water and Pretreatment Team, MC148 Texas Commission on Environmental Quality Storm Water Processing Center, MC 228 P.O. Box 13087 Austin, Texas 78711-3087

c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

### with a copy to:

Waste Section Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

RIVER CITY READY MIX, INC. DOCKET NO. 2012-2174-MLM-E Page 6

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Par Tour John For the Executive Director	6/7/13 Date
I, the undersigned, have read and understand tagree to the attached Agreed Order on behalf of do agree to the terms and conditions specified thaccepting payment for the penalty amount, is ma	f the entity indicated below my signature, and interein. I further acknowledge that the TCEQ, in
<ul> <li>additional penalties, and/or attorney fees</li> <li>Increased penalties in any future enforcer</li> </ul>	may result in:  as submitted; eneral's Office for contempt, injunctive relief of or to a collection agency; ment actions; eral's Office of any future enforcement actions by law.
Signature	$\frac{4/8/3}{\text{Date}}$
Name (Printed or typed) Authorized Representative of RIVER CITY READY MIX, INC.	Date  DIESIDENT  Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.